IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.47610 of 2008
IRFAN KHAN, Son of Late Usman Khan,
Resident of Mohalla- Bhojpur Chaurahat,
P.S.- Jalilpur, District- Chandauli (Uttar Pradesh):--Petitioner.
Versus
STATE OF BIHAR:-----Opposite Party

For the Petitioner : Mr. Madanjeet Kumar, Advocate.
For the Opposite Party : Mr. Nitya Nand Tiwari, A.P.P.

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3. 10.12.2008. Counsel for the petitioner states that on account of illness petitioner could not appear in the court below on 24.4.2008 and in support of the plea of illness he relies on the prescription and certificate contained in Annexure-3 series. It is further submitted on behalf of the petitioner that the contention of the informant that petitioner has divorced his wife after being released on provisional bail by this Court is not correct as he has never divorced the informant and he is still ready and willing to take back not only the informant but also the four children born out of the wed-lock between him and the informant.

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Having heard counsel for the petitioner, I grant him one more opportunity and direct that he, namely, Irfan Khan be released on provisional bail on furnishing bail bond of Rs. 5000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Bhojpur in connection with Araw Town P.S.Case No. 189 of 2005, provided he files a written undertaking that he shall not misuse the privilege of provisional bail hereafter and take back the informant and the children to the matrimonial home. The court below should monitor the conduct of the parties until such time it is satisfied that the matrimonial dispute

between the petitioner and the informant is resolved and if the court below comes to the conclusion that petitioner is trying to misuse the privilege of provisional bail then it shall pass appropriate order in accordance with law including the order canceling the provisional bail.

Application stands disposed of.

Let this order be communicated to the court below through fax on payment of usual charges by the petitioner.

(V.N.Sinha,J.)

P.K.P.

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